

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

YOLANDA R. EFFINGER,

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Plaintiff,

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v.

Case No.: 2:07-CV-657-ID-TFM

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WINN-DIXIE MONTGOMERY, INC.

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Defendant.

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RULE 26 DISCOVERY PLAN

1. In accord with Federal Rules of Civil Procedure 26(f), the parties agreed to the following proposed discovery plan. The agreement was reached by and between the following attorneys:

Ronald B. Hatcher for the Plaintiff.

Randall Morgan for the Defendant.

2. Pre-Discovery Disclosures: The parties will exchange the information required by Fed.R.Civ.P. 26(a)(1) within twenty-one (21) days of the Court's Scheduling Conference Order.

3. Discovery Plan: The parties jointly propose to the Court the following discovery plan:

Discovery will be needed on questions of liability, affirmative defenses, and injury claims. All discovery commenced in time to be completed two weeks before the pretrial conference.

Maximum of 50 interrogatories by each party to any other party. [Responses due 30 days after service.]

Maximum of 40 requests for production by each party to any other party. [Responses due 30 days after service.]

Maximum of 30 requests for admission by each party to any other party. [Responses due 30 days after service.]

Maximum of 10 depositions by Plaintiff and 10 for the Defendants.

Each deposition [other than that of named parties and retained experts] is limited to a maximum of seven hours unless extended by agreement of parties.

Reports from retained experts under Rule 26(a)(2) due from Plaintiff by March 7, 2008 and from Defendants by April 7, 2008.

Supplementations under Rule 26(e) due within 14 days of when a party learns that in some material respect the information disclosed is incomplete or incorrect and if the additional or corrective information has not otherwise been made known to other parties in the discovery process or in writing.

4. Other Items.

The parties do not request a conference with the Court before entry of the Scheduling Order.

The parties request a pretrial conference in September, 2008.

Plaintiff should be allowed until December 29, 2007 to join additional parties and until December 29, 2007 to amend the pleadings.

Defendants should be allowed until January 29, 2008 to join additional parties and until January 29, 2008 to amend the pleadings.

All potentially dispositive motions should be filed by 90 days before the pretrial conference.

Settlement cannot be evaluated prior to discovery.

Final lists of witnesses under Rule 26(a)(3) should be due from Plaintiff by three weeks before the pretrial and from the Defendants three weeks before the pretrial conference.

Final lists of exhibits under Rule 26(a)(3) should be due from Plaintiff by three weeks before the trial date and from the Defendants three weeks before the trial date.

Parties should have 14 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

The case should be ready for trial by October 20, 2008 and is expected to take three days.

/s/ Ronald B. Hatcher
RONALD B. HATCHER [HAT002]
Attorney for Plaintiff

OF COUNSEL:

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/s/ Randall Morgan
RANDALL MORGAN [MOR037]
Attorney for Defendant

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